

1.0 RESIDENTIAL DRIVEWAY REGULATIONS & PERMIT

1.1 Authority

Pursuant to the authority vested in the Litchfield Planning Board by the legislative body of Litchfield, and in accordance with the provisions of New Hampshire Revised Statutes Annotated (RSA) 674:35, *Power to Regulate Subdivisions* and RSA 236:13, *Driveways and Other Accesses to Public Ways*, and RSA 236:14, *Penalty*, as amended, the Litchfield Planning Board adopts the following regulation governing residential driveways within the Town of Litchfield, NH.

The Planning Board authorizes the administrator (Building Inspector) in consultation with the Road Agent, to administer and approve applications determined to comply with the standards outlined in these regulations.

1.2 Purpose

This regulation is to insure all new, and alterations to existing residential driveways comply with the standards herein. The purpose of this regulation is as follows:

- a. Provide maximum safety and protection to the traveling public through the orderly control of traffic movement;
- b. Minimize conflict points;
- c. Acquire appropriate sight distance on or to any class of road in the Town of Litchfield;
- d. Maintain serviceability of affected roadways;
- e. Monitor the design and construction of residential driveways;
- f. Maintain compliance with applicable federal and state and local land laws (Stormwater/Erosion Control);
- g. Protect the roadway edge from damage;
- h. Ensure adequate stormwater management to provide proper drainage and flowage of surface water;
- i. Ensure adequate and safe access for emergency vehicles; and
- j. Provide uniform procedures and standards for residential driveway construction or alteration.

1.3 Definitions

The applicable definitions listed in Litchfield's zoning and regulations shall apply.

1.4 Residential Driveway Permit Procedures

1.4.1 Application.

Any person wishing to construct or alter a residential driveway on an existing lot of record shall obtain a Driveway Permit prior to construction. A Driveway Permit Application may be obtained from the administrator (Building Inspector). A copy of the permit application may be found at the end of this section (Appendix J) and on the Town website. Contact the administrator (Building Inspector) or Planning Board staff for the current fees. **Fees for Driveway Permits may be found in Appendix F, *FEE SCHEDULE: SUBDIVISIONS, SITE PLANS and PERMITS***

PLEASE SEE THE DRIVEWAY PERMIT APPLICATION AT THE END OF THIS SECTION AND COMPLETE AND SUBMIT ALL REQUESTED INFORMATION. Failure of the applicant to supply the information requested shall be sufficient grounds for delay or denial of the application.

Approved applications will be assigned a permit number corresponding to the Tax Map and Lot Number (i.e. Map 21, Lot 2). A signed and dated copy of the approved application shall be issued to the applicant stating the terms and specifications of the construction or alteration of the driveway (See Driveway permit). If the application is disapproved, written notification shall be provided to the applicant stating the reason for disapproval. For new or amended subdivisions, the proposed driveway location is required as part of the subdivision approval. The driveway permit application and approval is filed separately with the administrator (Building Inspector).

1.5 Administration

1.5.1 Administrator (Building Inspector) Review, Inspection and Approval

The administrator (Building Inspector) in consultation with the Road Agent shall review driveway applications for compliance with approvals and restrictions previously placed on the subject lot (i.e. Planning Board, ZBA, easements, etc), and the standards outlined in these regulations, and inspect the site. An existing plan (i.e. subdivision, septic) or a sketch plan to scale may be deemed acceptable. Where deemed necessary, plans by an engineer or surveyor may be required to insure proper construction. Engineering review and/or inspection of driveway and stormwater management structures may be required by a qualified consultant at the applicant's expense.

1.6 Design Standards

The following standards apply to residential driveways in the Town of Litchfield. For non residential uses, driveways shall be designed for the proposed use and conform to the standards detailed in the Site Plan regulations, including Vehicular Circulation Standards.

1.6.1 State Highways and State Controlled Roads.

All driveways on State of New Hampshire highways or state-maintained portions of roadways are required to comply with RSA 236:13, *Driveways and Other Accesses to the Public Way*, and the Department of Transportation Office of the Commissioner “*Declaratory Ruling No. 2000-01 Driveway Permits*,” or as requirements may be amended. This includes *Appendix II, Figures I - XV (English Unit Measurements)*. For Litchfield, The office of the District 5 Engineer of NHDOT is responsible for issuance of permits for roadways under State jurisdiction. Contact the District 5 office for current requirements.

Upon approval by the NHDOT as required, the Town may require additional standards consistent with local design requirements for safe and appropriately scaled access points that protect the integrity of roadways (E.g. paved driveway apron for all unpaved driveways and required driveway width, which may be less than the maximum allowed by the State).

1.6.2 Town Roadways.

Where no standard is provided herein, applicable State standards shall apply as required on State Highways and Controlled Roads section above.

1.6.2.1 General Specifications:

1. Design Features

- a. See Figure 1: Residential Drive – Rural/Urban; depicting driveway width, angle of entry, radius and desired distance from intersection. (See 1. n. below) for minimum distance to intersection)
- b. See Figure 2: Typical Driveway Detail; depicting driveway platform construction with cut and fill cross section. The driveway apron and platform shall be designed to prevent water and ice from building up on the roadway or driveway.
- c. Minimum culvert length – Extends two (2) feet on either side beyond the driveway edge (Corrugated metal pipe (CMP) is not be permitted due to the potential for weakening due to corrosion). Reinforced Concrete Pipe (RCP) and High Density High-Density Polyethylene (HDPE) are examples of acceptable pipe. All culverts shall be installed to manufacturer’s specifications, or as approved.
- d. Minimum culvert diameter – twelve (12) inches (Sized for anticipated flow rates) Alternative designs must be approved by the Town where there is insufficient elevation to place and properly cover a standard round culvert
- e. Appropriate BMP’s for erosion and sediment control are required to be in place until site is stabilized after construction
- f. If a bridge is required, it shall be designed by a civil engineer
- g. No structures other than for drainage, guard rails and mail boxes is permitted within the right-of-way
- h. Driveways shall not interrupt the natural ditch-line stormwater flow
- i. Driveway base beyond public right-of-way should be sufficient to support delivery and emergency vehicles. (See 2. a. below.) Note: The Town is not responsible for damage to driveways by emergency vehicles due to insufficient base, width, or poor drainage.
- j. Minimum driveway width beyond apron.....12 Feet
- k. Maximum width at property line.....24 Feet
- l. Minimum distance between nearest edge of driveways (Same side).....25 Feet
- m. Opposing driveways shall be aligned directly across the street where possible
- n. Minimum distance from intersection (Same side).....100 Feet
- o. Minimum Sight Distance - Town roads (≤ 35 mph).....200 Feet
Minimum Sight Distance – State / State controlled roads or roads (> 35 mph)400 Feet
- p. Maximum grade for driveways.....10%
- q. A Turn-around is required for all driveways greater than seventy five (75) feet in length and where greater than 250 feet, a turn-around sufficiently sized for delivery and emergency vehicles may be required.
- r. Minimum turning radius sufficient for service and emergency vehicles (E.g. Inside radius 28 feet)
- s. Driveway shall drain away from garage opening
- t. Driveways on slopes shall provide a parking area (platform) that is relatively flat and large enough for a large passenger car (e.g. $< 5\%$ grade & approximately twelve (12) feet wide by twenty (20) feet long

LITCHFIELD LAND USE LAWS AND REGULATIONS
APPENDIX J – Residential Driveway Regulations & Permit

2. Paved driveway apron (*Specifications from Asphalt Institute*)
- The portion of any driveway within the State or Town right-of way or not less than fifteen (15) feet, whichever is greater, shall be paved to protect the roadway and shoulder prior to issuance of a certificate of occupancy (C.O.). A minimum of (6" - 8") inches of crushed compacted aggregate or equivalent, (3½") of pavement; (2") inches of base course and (1½") inches of finish course.
 - For the unpaved portion of any driveway, a minimum of (8") of crushed compacted aggregate or equivalent shall be considered an adequate base to support delivery and emergency vehicles.

Figure 1

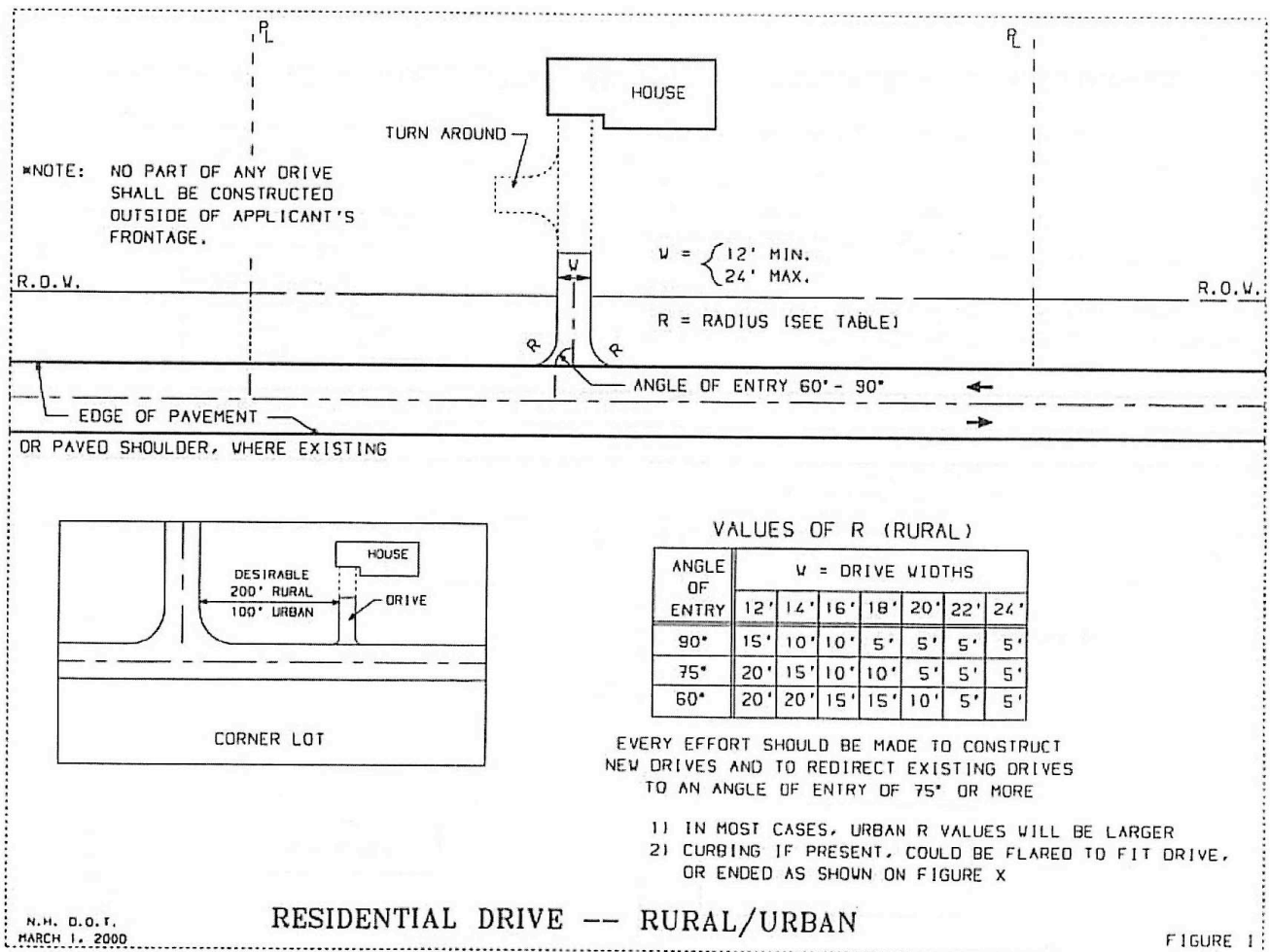
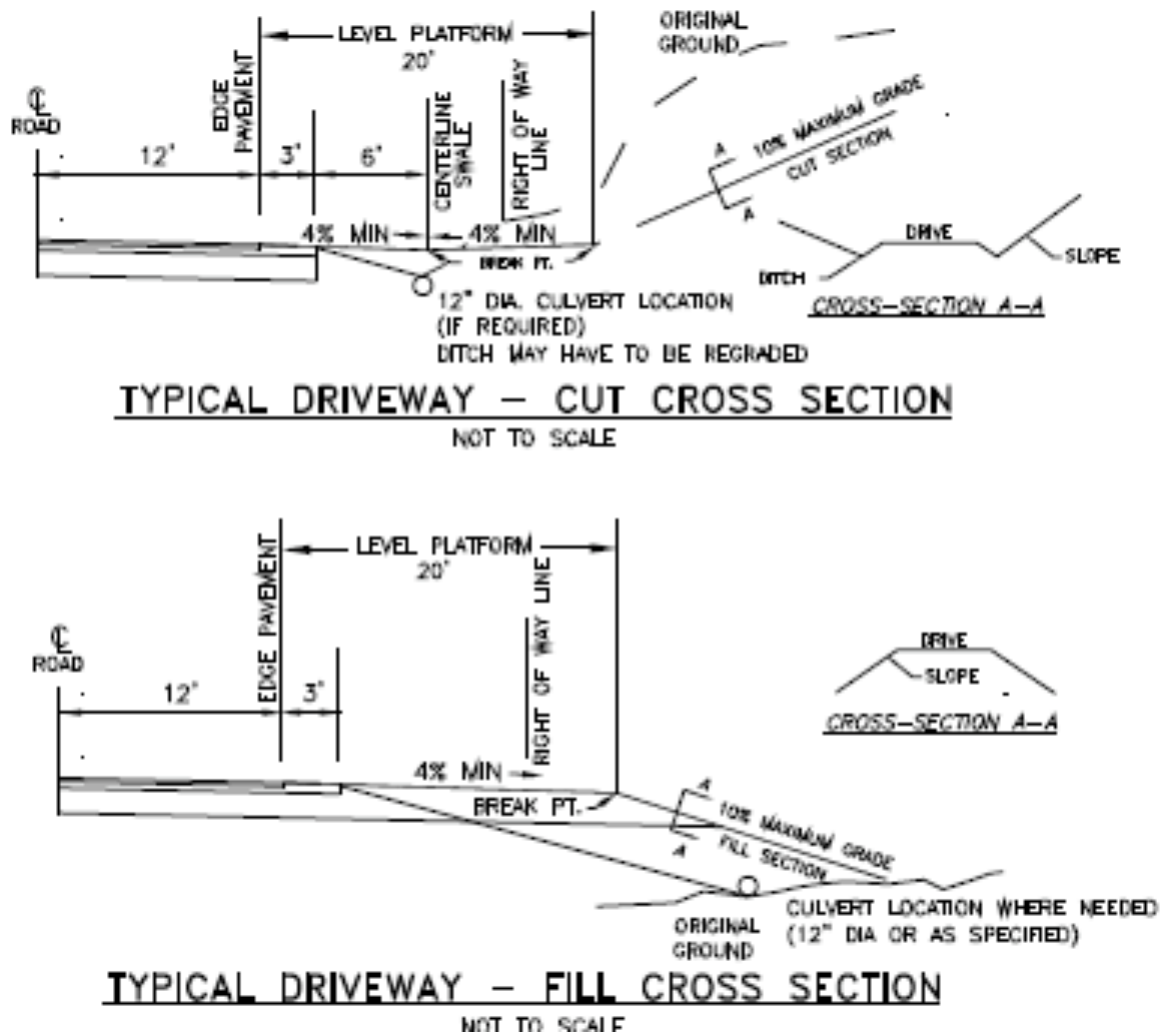


Figure 2



1.6.3 Enforcement.

All drainage structures require inspection for proper installation prior to backfilling. For new building lots, paved driveway aprons shall be installed prior to issuance of a certificate of occupancy (C.O.). Driveway aprons for existing lots-of-record shall be paved as a condition of driveway permit approval. Upon determination by the administrator (Building Inspector) that a violation of these regulations has occurred, notice shall be given to the Board of Selectmen or designated Code Enforcement Officer recommending appropriate enforcement procedures.

Enforcement of this regulation is the statutory responsibility of the Board of Selectmen or their designee and in accordance with RSA's 676:17, as amended.

1.6.4 Appeals.

Any person aggrieved from the decision of an administrative official (i.e. Code Enforcement Officer) in enforcing any zoning ordinance may appeal to the Zoning Board of Adjustment (ZBA) in accordance with RSA 674:33, Powers of Zoning Board of Adjustment, as amended.

Any person aggrieved from a decision of the administrator (Building Inspector) regarding an approved subdivision or regulation of the Planning Board may present to superior court a duly verified petition in accordance with RSA 677:15, Court Review, as amended.

1.6.5 Penalty.

As provided under RSA 236:14, any person who violates any provision of RSA 236:13 or these regulations shall be guilty of a violation or a misdemeanor and shall be liable for the cost of restoration of the street to the satisfaction of the Board of Selectmen or their designee.

1.6.6 Exception.

Pursuant to RSA 236:9, *Excavation Permit; Emergency*, as amended, for purposes of protecting public health and safety, work may be performed for emergency purposes. State and Town approved projects are exempt, when permitted by law; however, every effort should be made to comply with the stated purpose of this regulation. Stormwater management and erosion control standards shall be followed.

1.7 Separability

If any section, clause, provision, portion, or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

1.8 Effective Date

These regulations are effective upon Board and Town Clerk certification following a duly noticed public hearing. (*Adopted October 20, 2009*)

1.9 Driveway Permit Application

SEE FOLLOWING PAGE



TOWN OF LITCHFIELD, NH
DRIVEWAY PERMIT APPLICATION

Map/Lot #: _____

Permit #: _____

Date: _____

This Section to Be Filled Out By Applicant

Owner's Name (print): _____

Owner's Address: _____

Phone Number: _____ E-mail Address: _____

Cell Phone #: _____ Fax: _____

Owner's Signature: _____ Date: ____ / ____ / ____

Contractor Information:

Company Name (print): _____

Company Address: _____

Phone Number: _____ E-mail Address: _____

Cell Phone #: _____ Fax: _____

Contractors Signature: _____ Date: ____ / ____ / ____

Required Information

- ☐ I have read Appendix J – (Copy of Section 1.6.2.1, Design Features – on Reverse Side)
- ☐ New Curb Cut ☐ Additional Curb Cuts ☐ Alteration of Existing
- ☐ Sketch Plan (to scale) ☐ Width at Street () feet ☐ Driveway Slope () %

ADDITIONAL INFORMATION: _____

This Section to Be Filled Out By Town Staff

Date of Submission: ____ / ____ / ____

- ☐ Culvert Required: Material () diameter () Length ()
- ☐ Bond Required (\$) ☐ Easements
- ☐ Application Fee (\$) ☐ Drainage or other Study (if necessary) Fee (\$)
- ☐ Fees Paid Date: ____ / ____ / ____ Total - \$ _____

Approvals:

☐ Granted ☐ Granted with Conditions ☐ Denied: Date: ____ / ____ / ____

Administrator's (Building Inspector) Signature: _____

Conditions: 1. _____
2. _____
3. _____
4. _____

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